




CHARTER REVIEW COMMISSION

AGENDA REQUEST

AGENDA OF:	12-18-13	AGENDA REQUEST NO:	III-A
INITIATED BY:	CHRISTINE RANKIN EXECUTIVE SECRETARY	RESPONSIBLE DEPARTMENT:	CITY SECRETARY
PRESENTED BY:	GLENDA GUNDERMANN, CITY SECRETARY	DIRECTOR:	GLENDA GUNDERMANN, CITY SECRETARY 
		ADDITIONAL DIRECTOR (S):	N/A
SUBJECT / PROCEEDING:	MINUTES CHARTER REVIEW COMMISSION MEETING DECEMBER 11, 2013 APPROVE MINUTES		
EXHIBITS:	MINUTES DECEMBER 11, 2013		
CLEARANCES		APPROVAL	
LEGAL:	N/A	ASSISTANT CITY MANAGER:	N/A
PURCHASING:	N/A	ASSISTANT CITY MANAGER:	N/A
BUDGET:	N/A	CITY MANAGER:	N/A
BUDGET			
EXPENDITURE REQUIRED: \$		N/A	
CURRENT BUDGET: \$		N/A	
ADDITIONAL FUNDING: \$		N/A	
RECOMMENDED ACTION			
Approve minutes of December 11, 2013 Charter Review Commission meeting.			
EXHIBITS			

STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF SUGAR LAND §

**CITY OF SUGAR LAND
CHARTER REVIEW COMMISSION
WEDNESDAY, DECEMBER 11, 2013**

REGULAR MEETING

The Charter Review Commission of the City of Sugar Land convened in a regular meeting open to the public and pursuant to notice thereof duly given in accordance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, as amended, in Sugar Land City Hall within said City on Wednesday, December 11, 2013 at 4:00 o'clock P.M. and the roll was called of the members; to wit:

William Little, Chairman
Steven Weathered
Robert Kern
Jennifer Chiang
Dennis Parmer

QUORUM PRESENT

All of said members were present.

Also present were:
Glenda Gundermann, City Secretary
Mary Ann Powell, City Attorney

CONVENE MEETING

Chairman William Little convened the session, open to the public, to order at 4:02 o'clock P.M.

PUBLIC COMMENTS

Chairman Little introduced Public Comment stating that citizens desiring to address the Commission with regard to matters on the agenda would be received at this time.

There were no public comments.

MINUTES

Chairman Little introduced consideration of and action on approval of the minutes of the regular meeting of December 04, 2013.

Mr. Weathered requested that page four of the minutes be amended under Section 3.04 Petition Signatures, by adding a bullet to show that **“Sec. 3.04 of the Charter refers to both voters that voted in the last election and to registered voters”**; stating for clarification that there appears to be an inequity in that the percentage of registered voters would be difficult if not impossible to obtain.

Following a full and complete discussion, *Mr. Weathered*, seconded by *Mr. Kern*, made a motion to approve the minutes, as amended, of the regular meeting of December 04, 2013. The motion carried unanimously.

CHARTER REVIEW

Chairman Little introduced review of and discussion on City of Sugar Land Charter. *Chairman Little* suggested that the minutes from December 04, 2013 be used as a guide for discussion and comments be given a priority rating; one being assigned as the lowest priority and five being assigned as the highest priority.

Article I. General Provisions

Section 1.02 Form of Government

- Clarification by defining the terms used for Mayor and the terms referring to both Council, City Council and Mayor. There are examples within the Charter of the same words referring to different groups. **Priority 5**
- Focus on the reader’s ability to read the Charter with clear, concise and non-contradictory language

Article II. The Council

Section 2.01 Election and Term

- Review 2 year and 3 year terms
 - 2 year terms do not provide continuity; takes time to settle into the position
 - Council Member before the end of year one begins preparing to run for the next election and raising funds; which is a distraction from responsibilities and duties
 - Election cost for both the elected official and the City would be less with longer terms

Consensus of the Commission was to consider recommending three/3 year terms

CHARTER REVIEW (CONTINUED)

Article II. The Council (continued)

Commission discussed:

- Term options: 2/4 year or 3/3 year
- Article III of the Charter provides an option to fill a Council Member vacancy
 - Appointment if term is less than 15 months of a 2 year term
- A 2013 Legislative amendment provides for filling a vacancy occurring on the governing body for an unexpired term of 12 months or less for three year terms; requires clarification on 12 months vs 13 months

Section 2.03 Term Limitations

- Interpretation
 - Clarification is needed; Section defines terms for Council without mentioning the Mayor and states that the position of Mayor is a separate council office
 - City of Sugar Land has historically considered the Mayor's term limitation the same as City Council but the Charter does not specifically address that; in 1999 charter proposition five amended the reference by using the word "**person**"; "Shall Section 2.03, which provides for term limits that apply separately to the Mayor's position, to the At Large Council positions, and to the District Council positions, be amended to provide that a **person** may not be elected in any city position more than four times in any consecutive nine year period; for purpose of the limitation the office of mayor is considered a separate office from other council positions". Translation of the amendment was not written clearly in the charter.

The interpretation does not open the door to imply no term limits to Mayor. Term limits for the Mayor are the same as other Council positions. The intent was to allow a Council Member to serve in that capacity for the full term limit of eight years and have the ability to run for Mayor and serve another eight years.

Ambiguity exists between Proposition 5 and the Charter as it now reads. City Attorney and City Secretary were asked to draft language to clarify. Consensus of the Commission was that the Mayor's term is also subject to term limitation.

Section 2.06 Vacancies

The Commission discussed the best way to draft language within the Charter that would address excessive absences or poor behavior. Discussion included the Ethics Code and how its language addresses concerns in this area. The Ethics Code was created through a citizens committee and their recommendations were used to create the Ordinance. The process of addressing an issue is public, provides opportunity for all parties to speak and includes a "name clearing" should it be necessary following the determination.

Previous concern about clarifying language relative to the use of the terms Mayor and City Council will be address here when Section 2.03 is amended.

Article II. The Council (continued)

Section 2.07 Powers and Duties of Council

Previous discussion requested an amendment to the language below to be more inclusive of “all public facilities and their grounds”.

- (d) questions pertaining to jurisdiction upon, over and under public streets, sidewalks, alleys and public grounds of the City including the right to impose charges for the use of such property

Consensus of the Commission agreed with the recommendation.

The Commission discussed the amount of power given to City Council and the power given to the City Manager. The discussion included consideration of whether some of City Council’s powers have been transferred to the City Manager; should the City Council powers be strengthened and broadened in the charter.

Section 2.07 does not currently contain language to address “Investigation by City Council” as seen in Section 3.13 Investigation by the City Council of the Texas Home Rule Charters. Page 48 of the Texas Home Rule Charters addresses the sample powers of the City Council.

The Commission is examining the current Charter and how it applies to both current leadership and the leadership of the future. **Mr. Weathered** expressed that he would like to see more involvement of the elected officials in policy development; language could be added to state that City Council shall not be involved with any of the City Manager’s appointees and direct reports. **Ms. Gundermann** pointed out that Resolution 09-24 and Resolution 13-17 addresses the concern and provided the Commission with two resolutions which outline the chain of command and protocol followed by City Council and the City Manager.

The Commission consensus was to discuss Section 2.07 in greater detail at the next scheduled meeting.

Section 2.08 Council Meetings

Previous discussion:

- Attorney General and calling Special Meetings...Open Meetings Act
- (b) question about whether electronic voting is covered in the language
 - The City voting log does have “ayes” and “neases”

Commission discussed the Mayor’s powers during an emergency situation, such as a Hurricane, and the Mayor’s office in contact with the Governor. The hierarchy was discussed and confirmed that Fort Bend County interacts on our behalf with other governing agencies. Any changes to this section need careful consideration of other agreements in place.

Consensus of the Commission is that no change is recommended.

Article III. Initiative, Referendum and Recall

Previous discussion included:

Section 3.02 Requirements of All Petitions

- Red Light Camera petition
 - Submitted as an amendment to the Charter
 - Could not fall under referendum because the Ordinance was greater than two years old
 - Was insufficient in meeting the requirements of the Charter
 - Did not have five registered voters serving as Committee of the Petitioners with signed and notarized affidavits and other related insufficiencies
 - Did the petition fail due to the lack of clarity in the Charter or the failure of the petitioners to understand the requirement

Section 3.04 Petition Signatures

- Why are the percentages different?
 - Municipalities do not have to allow recall; why the differences
 - (a) (1) – initiative or referendum - 30% of those voting in the last election
 - (a) (2) – recall of the Mayor or At Large Council Member - 25% of registered voters
 - (a) (3) – recall of a Council Member – 20% of registered voters in that District
 - Percentages should be the same

Commission discussed:

- A review of the percentages of voters shown in Section 3.04
 - At Large Position vs Single District
- A checklist or procedure document for petitioners to make it easier
- The header of Article III...Initiative, Referendum and Recall
 - If these words were replaced with General Requirements and Petition Requirements, would the Commission believe it was related to any type of petition or would it be related to Initiative, Referendum and Recall?
 - City Secretary provides the form to the petitioner and it contains an area for the petitioner to state the type of petition
 - Red Light Camera petition used their own form which contained the same information; petition was not disqualified due to the form used
 - Commission discussed having the title of Article III be general and add separate articles for Initiative, Referendum and Recall
 - City Attorney cautioned current law does not allow adding articles to charter amendments
 - Repealing Ordinances have timelines and methods
 - There is a Pre 1985 provision in the statutes that references if a requirement is in charter in 1985, then that is what you revert back to.

- State Law does not have provisions for Initiatives, Referendums or Recalls because that is initiated by Cities. Charter amendments are governed under State Law. 180 days and percentage of registered voters or 20,000 whichever is less

The Commission consensus is that the Charter is more important than an Ordinance and there should be equal requirements to amend the Charter as for amending an Ordinance.

City Secretary will provide Commission, by email, a copy of the Charter in Word format

Consensus of the Commission was that additional discussion on Article III is needed and that the next scheduled meeting will focus on Article III issues.

ADJOURN

There, being no further business to come before the Commission, ***Mr. Kern***, seconded by ***Ms. Parmer***, moved that the meeting adjourn. The motion carried unanimously and the meeting adjourned, time 5:05 o'clock P.M.

William Little, Chairman

Glenda Gundermann, City Secretary

(SEAL)